

Remarks

Applicant has: (a) amended claims 1 and 3 to more clearly define the present invention; and (b) cancelled claim 2. No new matter has been added.

The Examiner rejected claims 3-6 and 9-10 under 35 U.S.C. 1112, second paragraph. Specifically, the Examiner stated:

Claims 3-6 and 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "may be" in claim 3 is vague and indefinite because it lacks metes and bounds of the claimed invention.

Applicant respectfully traverses the Examiner's rejection. Applicant has amended claim 3 so that it is not vague or indefinite, i.e., so that one of ordinary skill in the art can readily discern its metes and bounds.

In light of the above, Applicant respectfully requests the Examiner to withdraw this rejection.

The Examiner rejected claims 1, 3-4 and 10 under 35 U.S.C. 102(e). Specifically, the Examiner stated:

Claims 1, 3-4 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (US. 6,545,839 B2).

Smith discloses a small "form factor" disk drive 11 for use in an appliance 63, which disk drive having a connector side 24, a removal side (see figures), and a lateral side (see figures); and a gripping mechanism 91 affixed to a lateral side of the disk drive (particularly figures 18-20); wherein a portion 95 of the gripping mechanism extends beyond the removal side, all as set forth in claim 1.

Regarding claim 3, Smith discloses that the portion is a pull tab that is "strong enough" so that it may be gripped to extract the small form factor disk drive from the appliance (column 6, lines 28-30).

Regarding claim 4, Smith inherently discloses that the pull tab is "thin enough" not to interfere with normal operation of the appliance.

Regarding claim 7, Smith discloses that the gripping mechanism is affixed with an adhesive (column 6, lines 13-15).

Regarding claim 10, Smith inherently discloses that the surface of the pull tab has "high" friction (column 4, lines 45-49).

Applicant has amended claims 1 and 3 to more clearly define the present invention. As such, Applicant respectfully traverses the Examiner's rejection.

As to claim 1: Claim 1 has been amended to include the limitation of claim 2. In this regard, the Examiner has stated (see the rejection of claim 2 below in view of Smith): “Regarding claim 2, Smith does not disclose that the gripping mechanism is affixed to cover substantially ‘all’ of the lateral side. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the gripping mechanism affixed to cover ‘all’ of the lateral side instead of a portion of the cover through an obvious routine choices of an ordinary skill in the art in order to improve the attachment characteristics between the gripping mechanism and the cover.” Applicant respectfully submits that the Examiner has utilized improper hindsight in making this rejection. In particular, Smith provides no teaching or suggestion of any kind whatsoever for providing the gripping mechanism to cover all of the lateral side. In particular, the Examiner asserts that one of ordinary skill in the art would do so to improve the attachment characteristics between the gripping mechanism and the cover. However, Applicant respectfully submits that nothing in Smith indicates in any way that the grip disclosed in FIGs. 18-20 is deficient in this manner. Specifically, Applicant respectfully submits that attachment of the gripping mechanism over the entire lateral surface provides easier extraction since, using such a gripping mechanism, the disk drive would not tend to rotate as much as it would if it were extracted using the small grip disclosed in FIGs. 18-20 of Smith. Further, Applicant respectfully submits that there is no teaching or suggestion in Smith of any kind whatsoever relating to this unobvious advantage of the gripping mechanism of claim 1. As such, Applicant respectfully submits that claim 1 is patentable over Smith.

As to claims 3-4: Applicant respectfully submits that claims 3-4 depend from claim 1, and as such, Applicant respectfully submits that claims 3-4 are patentable over Smith for the reasons set forth above with respect to claim 1.

As to claim 10: Applicant respectfully submits that claim 10 depends from claim 1, and as such, Applicant respectfully submits that claim 10 is patentable over Smith for the reasons set forth above with respect to claim 1. In addition, the Examiner asserts that “Smith inherently discloses that the surface of the pull tab has ‘high’ friction (column 4, lines 45-49).” Applicant respectfully submits that this reference in Smith is to an embodiment shown in FIGs. 1 and 2, and does not refer to the small pull tab shown in FIGs. 18-20 of Smith.

In light of the above, Applicant respectfully requests the Examiner to withdraw this rejection.

The Examiner rejected claims 2, 5-6 and 8 under 35 U.S.C. 103(a). Specifically, the Examiner stated: Claims 2, 5-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith.

Regarding claim 2, Smith does not disclose that the gripping mechanism is affixed to cover substantially "all" of the lateral side.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the gripping mechanism affixed to cover "all" of the lateral side instead of a portion of the cover through an obvious routine choices of an ordinary skill in the art in order to improve the attachment characteristics between the gripping mechanism and the cover.

Regarding claims 5 and 6, Smith does not disclose a door; however, Smith discloses that the gripping mechanism is flexible, stiffness and strength to return to the stowed position (column 5, lines 19-23; figures 7-8 and claims 2-3).

Therefore, assuming there is a door, one of ordinary skill in the art should recognized that the gripping mechanism should resumed its shape after the door is opened and folded by the door when it is inserted therein.

Regarding claim 8, Smith does not disclose that the gripping mechanism is about 0.025 mm thick.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the gripping mechanism of Smith with the thickness of 0.025 mm through an obvious engineering routine lab experimentation and optimization to reduce the thickness of the gripping mechanism in order to reduce the thickness of the drive, thus provide a more compact drive.

Applicant has amended claim 1 and cancelled claim 2. As such, Applicant respectfully traverses the Examiner's rejection.

As to claims 5-6: Applicant respectfully submits that claims 5-6 depend from claim 1, and as such, Applicant respectfully submits that claims 5-6 are patentable over Smith for the reasons set forth above with respect to claim 1. Further, the Examiner admits that Smith does not disclose a door. Nevertheless, the Examiner opines that "assuming there is a door, one of ordinary skill in the art should recognized that the gripping mechanism should resumed its shape after the door is opened and folded by the door when it is inserted therein." Applicant respectfully submits that the Examiner is improperly using hindsight to "recreate" the invention of claims 5-6. This is improper because the Examiner is assuming how a door would be disposed with respect to the pull tab, and that the door would fold the pull tab. There is nothing

in Smith that describes this in any way, and as such, is an improper ground for rejection. As such, Applicant respectfully submits that claims 5-6 are patentable over Smith.

As to claim 8: Applicant respectfully submits that claim 8 depends from claim 1, and as such, Applicant respectfully submits that claim 8 is patentable over Smith for the reasons set forth above with respect to claim 1.

In light of the above, Applicant respectfully requests the Examiner to withdraw this rejection.

The Examiner rejected claim 9 under 35 U.S.C. 103(a). Specifically, the Examiner stated:

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Olzak et al. (US. 5,500,518).

Smith discloses that the pull-tab is roughness (column 4, lines 42-48); However, Smith does not clearly disclose that the pull tab includes protuberances.

Olzak et al. discloses a memory card 16 having a gripping mechanism 2 including protuberances (10, 10A).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the pull tab of Smith with protuberances as taught by Olzak et al. to improve the gripping characteristics.

Applicant has amended claim 1 to more clearly define the present invention, claim 9 depends from claim 1. As such, Applicant respectfully traverses the Examiner's rejection.

Applicant respectfully submits that claim 9 depends from claim 1, and as such, Applicant respectfully submits that claim 9 is patentable over Smith in view of Olzak et al. for the reasons set forth above with respect to claim 1. In addition, neither Smith nor Olzak et al. teach or suggest a gripping mechanism affixed to cover substantially all of the lateral side as required by claim 1.

In light of the above, Applicant respectfully requests the Examiner to withdraw this rejection.

In light of the above, Applicant respectfully submits that all the remaining claims are allowable, and Applicant respectfully requests that the Examiner reconsider the case and pass the case to issue. Should the Examiner have any questions or wish to discuss any aspect of the application, a telephone call to the undersigned would be welcome.

Respectfully submitted,

By: Michael B. Einschlag

Michael B. Einschlag
Rosenlaw & Einschlag
Reg. No. 29,301
(650) 949-2267
25680 Fernhill Drive
Los Altos Hills, California 94024